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CFACT SLAM JUDGE'S DECISION TO APPROVE THE VIRGINIA WIND PROJECT OVER PENTAGON OBJECTIONS

Activist federal judges once again demonstrate bias against Trump administration policies

WASHINGTON, D.C. (January 16, 2026) - A group of public interest organizations involved in an ongoing lawsuit to stop construction of the massive Virginia offshore wind project is condemning a federal district court judge's decision to overturn an order of the Department of the Interior pausing construction of the project based on national security concerns. The Coastal Virginia Offshore Wind (CVOW) project is located 25 miles off the coast of Norfolk, VA, which is home to the largest military complex in the world.

On Friday, Judge Jamar Walker of the U.S. District Court for the Eastern District of Virginia issued an injunction lifting the Department of the Interior's order suspending construction on the project.

The U.S. Navy has issued a series of classified reports over the last decade strongly objecting to offshore wind development as endangering national security and hampering military readiness and operations, arguing that most of the waters off Norfolk, for those reasons, were unsuitable for offshore wind development. Notwithstanding these objections, the Biden and Obama administrations forced the Department of Defense (now Department of War) to sign off on the construction of the CVOW.

In 2024, the Committee for a Constructive Tomorrow (CFACT), the Heartland Institute, and the National Legal and Policy Center (NLPC) sued the Biden administration to halt construction of Virginia Wind, citing violations of a number of environmental and administrative permits. That suit is currently pending in the U.S. District Court for the District of Columbia.

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"Instead of showing deference to well-documented military objections, a single federal judge, without any expertise in national security, has taken it upon himself to substitute his judgment for the considered opinion of military professionals. To make matters worse, the federal district court does not even have jurisdiction to decide this matter, since it is essentially a contract dispute between the government and a wind developer. These types of disputes can only be heard in the Court of Federal Claims, which does not have the authority to issue injunctions. The Department of the Interior should appeal this decision immediately."

Craig Rucker	Collister Johnson
President	Senior Advisor
CFACT	CFACT

"This is an erroneous decision which ignores long-standing U.S. Navy objections to offshore wind and its clear threat to national security interests. This decision is also made by the wrong court. As the DC Court of Appeals has recently ruled, disputes between a government contractor and a federal agency must be heard in the Court of Federal Claims, which has no jurisdiction to issue injunctions. We trust DOI will promptly appeal this decision."

Paul Kamenar

Counsel

National Legal and Policy Center

"This ruling is poorly reasoned and legally deficient, but unsurprising, considering the political leanings of those who appointed this judge. There are ample grounds, based on threats to national security and endangered species for cancelling this improperly vetted and rushed project. Clever forum shopping put this case in a U.S. District Court favorable to Dominion Energy, when it should have been heard in the U.S. Court of Federal Claims."

H. Sterling Burnett, Ph.D.

Director

Arthur B. Robinson Center on Climate and Environmental Policy

The Heartland Institute